

# ENFORCEMENT DOCUMENT TRANSMITTAL

☒ DEQ

DATE: 6-7-19

☒ WPC

☐ IND

FACILITY NAME: Broken Arrow

FACILITY NO: S-20409

COUNTY / ENV SPEC  Tulsa  /  Chad Keller

DEQ OFFICE  Tulsa Reg. Ofc.

## DOCUMENT TYPE:

☐ CONSENT ORDER

☐ ADDENDUM TO CONSENT ORDER

☐ NOTICE OF NONCOMPLIANCE

☒ NOTICE OF VIOLATION

☐ ASSESSMENT ORDER

☐ ADMINISTRATIVE COMPLIANCE ORDER

☐ MEMORANDUM OF AGREEMENT

☐ EXPEDITED CONSENT ORDER

☒ Original to Book

☒ Mike Moe

☒ Greg Carr

☒ Chris Wisniewski

☒ Charles Garcia

☐ Wayne Morey

☐ Angie Ratcliff

☐ Lynzie Cheatwood

☐ Andy Callaway

☐ Travis Archer

☐ Tom Bailey

☐ Myles Mungle

☐ Taylor Maxwell

☐ Elizabeth Denning

☒ Toby Harden

☐ Travis Herrian

☐ Bob Battles

☐ Roshini Schroedert

☐ Wayne Crancy

☐ Jason Ma

☐ Anthony Hamilton

☐ Brandon Tyler

☐ Steve Reidr

☐ Zachary Miller

☐ John Brown

☐ Jordan Hultgren

☐ Edward Crone (GGEDA)

☐ Ernie Moore (EODD)

☐ Danny Baldwin (KEDDO)

☐ Steve Mills (SODA)

☐ David Hinkle (COEDD)

☐ Rich Brierre (INCOG)

☐ Jonathan Cross (NODA)

☐ John M. Sharp (ACOG)

☐ Ronnie Ward (ASCOG)

☐ Debora Glasgow (SWODA)

☐ Justin Carnagey (OEDA)

☒ Debbie Nichols

☐ Vance Pennington

☐ Travis Mensik

☐ Bill Kropf

☐ Jeff Brents

☒ Carol Peters (6EN-WO)

☒ Debra Berry (6EN-WC)

☒ Kelly Danner (OML)

☒ CENTRAL FILE

LEGAL REVIEW: 5-31-19

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SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

June 7, 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

The Honorable Craig Thurmond, Mayor  
c/o Michael Spurgeon, City Manager  
City of Broken Arrow  
P.O. Box 610  
Broken Arrow, Oklahoma 74013-0610

Re: Notice of Violation No. S-20409-19-1  
City of Broken Arrow  
Citizen Complaint Nos. 159475 and 159514  
Facility No. S-20409  
OPDES Permit No. OK0040053  
Problem(s): Discharge without a Permit; Operations and Maintenance Violation(s)

**NOTICE OF VIOLATION**

Pursuant to 27A O.S. § 2-3-502 and Oklahoma Administrative Code ("OAC") 252:4-9-1, this is to provide you with notice of apparent violations of the Oklahoma Environmental Quality Code identified by the Department of Environmental Quality ("DEQ").

The City of Broken Arrow ("City") owns and operates a publicly owned treatment works ("POTW") system which serves the residents of the City of Broken Arrow in Tulsa County, Oklahoma. The POTW consists of collection lines, appurtenances, and the Lynn Lane wastewater treatment facility ("WWTF") located in the SE ¼, SE ¼, Section 11, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma. The WWTF discharges treated effluent to the Arkansas River pursuant to Oklahoma Pollutant Discharge Elimination System ("OPDES") Permit No. OK0040053 ("Permit") that DEQ issued to Respondent, and which became effective October 1, 2017.

On May 3, 2019, and May 6, 2019, DEQ received Citizen Complaint Nos. 159475 and 159514, respectively, that alleged the City had allowed an unpermitted discharge to occur from the City's collection system at the Adams Creek lift station. On May 9, 2019, Chad Keller, Environmental Specialist for DEQ, conducted an inspection and confirmed that an unpermitted discharge was occurring from the Adams Creek lift station due to rainfall and equipment failure.

On May 10, 2019, the above-referenced complaints were referred to the Water Quality Division ("WQD"), DEQ, for further review and enforcement. A review of DEQ records indicates that although the City took corrective actions, an unpermitted discharge from the Adams Creek lift station was ongoing as late as May 12, 2019.

On June 7, 2019, Toby Harden, E.I., District Representative for DEQ, spoke with Charles Vokes, Utilities Director for the City, by telephone. Mr. Harden and Mr. Vokes discussed the violations listed above. Mr. Harden notified Mr. Vokes that the City would be receiving this Notice of Violation ("NOV"). Mr. Vokes indicated that he understood the nature of the NOV, the reasons for it, and that the City would have the opportunity to respond.

**This Notice is to inform you that discharging without a permit is a violation of the following provisions of Oklahoma Statutes, OAC, and your Permit:**

**27A O.S. § 2-6-105(A)** states that "[i]t shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance."

**27A O.S. § 2-6-205(A)**, states that "[i]t shall be unlawful for any facility, activity or entity regulated by the Department pursuant to the Oklahoma Pollutant Discharge Elimination System Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director."

**It is the City's duty to correct the violation(s) cited above and to submit a written response explaining the cause of the violations to DEQ within fifteen (15) days of receipt of this NOV.**

Failure to comply with State statutes and/or rules may result in harm to the environment or health and well-being of the affected public. Failure to comply with these rules allows untreated wastewater to enter the waters of the state, or elsewhere, which could result in oxygen depletion and subsequent injury, or death of aquatic organisms. Parameters and limitations established in OPDES permits were established to ensure that the public and environment are protected from exposure to certain pollutants.

Your failure to either correct the violation(s) within the time specified above or to notify DEQ and demonstrate your intent to correct these violations within fifteen (15) days of your receipt of this NOV will result in an escalated enforcement action against you. State statutes provide that DEQ may issue an Order under which corrective action may be ordered and administrative penalties assessed and/or injunctive relief sought.

If you have any questions about the requirements of this NOV, or if you believe the violation(s) has been cited in error, please call Toby Harden, E.I., District Representative, Municipal Wastewater Enforcement Section, Water Quality Division, DEQ, at 918-293-1640 or write to Mr. Harden at the letterhead address. Thank you for your time and attention to this matter.

Sincerely,



for Shellie R. Chard, Director  
Water Quality Division  
Oklahoma Department of Environmental Quality